

App. No. 09/788,329

Amendment Dated: August 30, 2005

Reply to Office Action of July 15, 2005

REMARKS/ARGUMENTS

Even though applicants believe that the claims are allowable as written, claims 1, 7, 8, 9, and 14 have been amended as set forth above to clarify the claims and expedite review of this application. Claim 20 has been added to recite a unique combination of elements that are clearly not taught or otherwise rendered obvious by the cited references. No new matter has been added.

I. Request for Formal Interview with the Examiner

In the event that Examiner Nash finds that the claims still do not distinguish the cited references, applicants respectfully request a formal interview with regard to the same.

II. New Claim 20

Claim 20 is added for consideration in the present application. With respect to claim 20, applicants assert that the combination of recited limitations are not taught or otherwise suggested by the cited references. The limitations of claim 20 do not constitute new matter and consideration of these claims should not require a further search for proper consideration. Applicants respectfully request consideration and allowance of claim 20.

III. Rejection Of Claims 1-19 Under 35 U.S.C. §103(a)

Claims 1 and 2 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,292,669 issued to Meuronen et al. ("Meuronen"), and further in view of U.S. Patent No. 6,212,550 issued to Segur ("Segur"). Claims 3-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Meuronen and Segur as applied to the claims above, and further in view of U.S. Patent No. 5,828,847 issued to Gehr et al. ("Gehr"). Claims 7-9 were rejected under 35

App. No. 09/788,329
Amendment Dated: August 30, 2005
Reply to Office Action of July 15, 2005

U.S.C. 103(a) as being unpatentable over Meuronen and Segur as applied to the claims above, and further in view of U.S. Patent No. 6,560,456 issued to Lohtia et al. ("Lohtia"). Claims 10-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Meuronen, Segur, and Lohtia as applied to the claims above, and further in view of Gehr. Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Meuronen as applied to the claims above, and further in view of U.S. Patent No. 5,457,680 issued to Kamm et al. ("Kamm"). Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Meuronen and Kamm as applied to the claims above, and further in view of Segur. Claims 16-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Meuronen, Kamm, and Segur as applied to the claims above, and further in view of Gehr.

Applicants respectfully disagree with the aforementioned rejections. As stated in applicants' prior response, there is no suggestion in either of the references that they may be combined in the manner suggested. Moreover, even if, for argument purposes, the references could be combined in the manner suggested, the combination would still fail to teach all the limitations of the claims. Even though applicants believe that the claims are allowable as written, independent claims 1, 7 and 14 have been amended as set forth above to further clarify the invention. Independent claim 1 includes the following elements that are not taught or otherwise suggested by the cited references:

"providing a plurality of *prioritized providers*, wherein each provider is associated with a message type"

"routing the message to the plurality of prioritized providers, *wherein the provider with the first highest priority receives the message first*"

"*routing the message to the provider with the second highest priority when the provider with the first highest priority rejects the message*"

App. No. 09/788,329
Amendment Dated: August 30, 2005
Reply to Office Action of July 15, 2005

"associating the message with at least one of the plurality *of prioritized providers* when the at least one of the *plurality of prioritized providers* recognizes the message type"

"*informing* an application associated with the provider *that the message is waiting*"

Applicants assert that the above combination of highlighted elements are not taught or otherwise rendered obvious by the cited references. The current Office Action propounds that Meuronen teaches "forwarding the message to the plurality of providers, wherein the message is further routed until the message is received by the short message center (i.e. provider) associated with the desired service." However, as cited, Meuronen teaches as follows:

"When a prefixed short message arrives at the short message gateway MSC SMS-GMSC of the mobile communication system, the centre preferably picks the prefix given by the subscriber and possibly the PID parameter from the message, *performs a database search by using either of the parameters or a combination thereof as the search index, and relays the message to the routing address obtained on the basis of the database search.*" Meuronen, at col. 6, line 66 - col. 7, line 6.

"The placing of a database according to the invention into a mobile communication system is an application-specific choice. FIG. 5 shows a secondary implementation of the invention, where the database DB including routing information is placed in short message service centres SMSC1 to SMSC4. In this case the message is typically submitted to a short message service centre set as a default value in the mobile station, *and is routed further to the short message service centre associated with the desired service on the basis of routing information obtained on the basis of the database search in the short message service centre.*" Meuronen, at col. 7, lines 7-17.

Here, Meuronen teaches routing by means of a database search. Meuronen does not teach the combination of elements set forth in independent claim 1. Regarding Segur, Segur teaches that "[a] controller and processor converts the stored message from a first communication format to a second communication format used by a subscriber requesting access to his messages." Segur, at col. 1, lines 62-65. Segur also teaches as follows:

App. No. 09/788,329
Amendment Dated: August 30, 2005
Reply to Office Action of July 15, 2005

The process starts, step 170, by the server receiving a retrieval query from the subscriber unit, at step 172. The server analyzes a header associated with each of the selected messages to determine a sender ID. The server then sends a summary of the stored messages (plurality of stored messages), including the number of the plurality of stored messages and an indicator of the sender to the client at step 174. *Segur*, at col. 3, lines 36-43.

Here, *Segur* teaches that the user must send a query to obtain his or her messages. Stated another way, the user must instigate the recovery of messages without ever knowing if messages are waiting. Moreover, regarding the *Lobtia* and *Kamm* references, applicants assert that they do not teach the elements propounded in the Office Action. None of the cited references teach the elements specifically recited in amended claim 1. Accordingly, applicants assert that independent claim 1 is allowable over the cited references.

Independent claim 7 includes the following elements that are not taught or otherwise suggested by the cited references:

"receiving a message having a message type indicated by a character sequence in the message"

"routing the message to a first prioritized provider from a list of prioritized providers"

"associating the message with the first prioritized provider when the first prioritized provider recognizes the character sequence, wherein an application associated with the first prioritized provider is informed that the message is waiting"

"routing the message to a second prioritized provider when the first prioritized provider does not recognize the character sequence"

Independent claim 14 includes the following elements that are not taught or otherwise suggested by the cited references:

"receiving a message having a provider indicator"

"routing the message until at least one provider recognizes the provider indicator, wherein the message is routed according to a priority level of the provider, wherein the provider having the first highest level of priority receives"

App. No. 09/788,329

Amendment Dated: August 30, 2005

Reply to Office Action of July 15, 2005

the message first, and wherein the message is routed to a provider having a second highest level of priority when the provider having the first highest level of priority does not recognize the provider indicator"

"associating the message with at least one provider when the at least one provider recognizes the provider indicator"

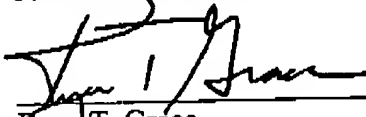
"delivering the message to an application associated with the at least one provider when the at least one provider recognizes the provider indicator"

For the at least the same reasons set forth above in support for claim 1, applicants believe that claims 7 and 14 are allowable. Claims 2-6, 8-13 and 15-19 contain elements not taught or otherwise suggested in the cited references. Moreover, claims 2-6, 8-13 and 15-19 ultimately depend from claims 1, 7 and 14, respectively. Claims 1, 7 and 14 are allowable for the reasons set forth above. Accordingly, applicants assert that claims 2-6, 8-13 and 15-19 are allowable for at least those same reasons.

In view of the above amendments and remarks, applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.



Ryan T. Grace

Registration No. 52,956

Direct Dial: 206.342.6258

MERCHANT & GOULD P.C.
P. O. Box 2903
Minneapolis, Minnesota 55402-0903
206.342.6200

27488

PATENT TRADEMARK OFFICE